LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 31 LCA 76.

Bangalore, dated 23rd April 1976.

Ordered that the High Court Judges (Conditions of Service) Amendment Act, 1976 (Central Act No. 35 of 1976), published in Part II, Section 1 of the Gazette of India, Extraordinary, dated 19th March 1976 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government.
18 *Department of Law and Parliamentary Affairs.*

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 19th March, 1976/Phalguna 29, 1897 (Saka)

The following Act of Parliament received the assent of the President on the 18th March, 1976, and is hereby published for general information :—

THE HIGH COURT JUDGES (CONDITIONS OF SERVICE) AMENDMENT ACT, 1976

No. 35 of 1976

[*18th March, 1976*]

An Act further to amend the High Court Judges (Conditions of Service) Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1976.

(2) Save as otherwise provided, it shall be deemed to have come into force on the 1st day of October, 1974.

2. **Amendment of section 15.**—In the High Court Judges (Conditions of Service) Act, 1954 (28 of 1954) (hereinafter referred to as the principal Act), section 15 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) Notwithstanding anything contained in sub-section ( ), any Judge to whom that sub-section applies and who is in service on or after the 1st day of October, 1974, may, if he has elected under the proviso to that sub-section to receive the pension payable to him under Part II or, as the case may be, Part III of the First Schedule before the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976, receives the assent of the President, cancel such election and elect afresh to receive the pension payable to him under Part I of the First Schedule and any such Judge who dies before the date of such assent shall be deemed to have elected fresh to be governed by the provisions of the said Part I if the provisions of that Part are more favourable in his case."

3. **Amendment of section 17A.**—Section 17A of the principal Act shall be renumbered as sub-section (1) thereof and,—

(*a*) in sub-section (1) as so renumbered, after the words "the First Schedule", the words "retires, or" shall be, and shall be deemed always to have been, inserted ;

(*b*) after sub-section (1) as so amended, the following sub-sections shall be inserted, namely :—

(2) The rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who, being in service on or after the 1st day of October, 1974, dies, whether before or after retirement, in circumstances to which section 17 does not apply.

(3) The rules, notifications and orders for the time being in force with respect to the grant of death-*cum*-retirement gratuity benefit to or in relation to an officer of the Central Civil Services, Class I (including the provisions relating to deductions from pension for the purpose) shall apply to or in relation to the grant of death-*cum*-retirement gratuity benefit to or in relation to a Judge who, being in service on or after the 1st day of October, 1974, retires, or dies in circumstances to which section 17 does not apply, subject to the modifications that—

(*i*) the minimum qualifying service for the purpose of entitlement to the gratuity shall be two years and six months;

(*ii*) the amount of gratuity shall be calculated on the basis of twenty days' salary for each completed year of service as a Judge ; and

(*iii*) the maximum amount of gratuity payable shall be thirty thousand rupees.

Explanation.—In sub-sections (2) and (3), the expression "Judge" has the same meaning as in section 14.

4. Insertion of new sections 22A, 22B, and 22C.—After section 22 of the principal Act, the following sections shall be inserted, namely:—

"**22A. Facility of rent-free houses.**—(1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time. be made in this behalf.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of an amount equal to twelve and a half per cent of his salary.

22B. Conveyance allowance.—Every Judge shall be entitled to a conveyance allowance of three hundred rupees per month subject to the maintenance of a motor car by him.

22C. Sumptuary allowance.—The Chief Justice of every High Court shall be entitled to a sumptuary allowance of three hundred rupees per mensem.

5. **Insertion of new section 23D.**—After section 23C of the principal Act, the following section shall be inserted, namely:—

"**23D. Medical facilities for retired Judges.**—(1) Every retired Judge shall, with effect from the date on which the High Court Judges (Conditions of Service) Amendment Act, 1976 receives the assent of the President, be entitled, for himself and his family, to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services, Class I, and his family, are entitled under any rules and orders of the Central Government for the time being in force.

(2) Notwithstanding anything in sub-section (1) but subject to such conditions and restrictions as the Central Government may impose, a retired Judge of the High Court for a State may avail, for himself and his family, any facilities for medical treatment which the Government of that State may extend to him."

6. **Amendment of section 24.**—In section 24 of the principal Act,—

(*a*) in sub-section (2), after clause (c), the following clause shall be inserted, namely:—

(*ca*) use of official residence by a Judge under sub-section (1) of section 22A,";

(b) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament, while it is session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect

only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.".

7. Amendment of the First Schedule.—In the First Schedule to the principal Act,—

(1) in Part I, after paragraph 9, the following paragraph shall be inserted namely :—

"10. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, the foregoing provisions of this Part shall have effect subject to the modifications that—

(*i*) for paragraph 2, the following paragraph shall be substituted, namely :—

" 2. Subject to the other provisions of this Part, the pension payable to a Judge to whom this Part applies and who has completed not less than seven years of service for pension shall be—

(*a*) for service as Chief Justice in any High Court, Rs. 2400 per annum; and

(*b*) for service as any other Judge in any High Court, Rs. 1,600 per annum:

Provided that the pension shall in no case exceed Rs. 28,000 per annum in the case of a Chief Justice and Rs. 22,400 per annum in the case of any other Judge.";

(*ii*) paragraphs 3 to 5 shall be omitted;

(*iii*) in paragraph 6, for the word and figure "paragraph 5" the word and figure "paragraph 2" shall be substituted;

(*iv*) for paragraph 8, the following paragraph shall be substituted, namely: —

"8. Notwithstanding anything contained in the foregoing provisions of this Part, the pension payable to a Judge who has completed fourteen years of service for pension, including not less than six years of service as Chief Justice of one or more of the High Courts, shall be Rs. 28,000 per annum.":

(v) in paragraph 9, for the figures "6,000", the figures "8,400" shall be substituted.;

(2) in Part II, after paragraph 3, the following paragraph shall be inserted, namely:-

4. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, paragraph 3 shall have effect subject to the modifications that—

for the figures "1,333", "1,600", "1,866" "2,133", "2,400" and "2,666", the figures "1,866", "2,240", "2,612", "2,986", "3,360" and "3,733" shall respectively be substituted.';

(3) in Part III, after paragraph 2, the following paragraph shall be inserted, namely:—

'3. In the case of a Judge to whom this Part applies and who has retired on or after the 1st day of October, 1974, clause (b) of paragraph 2 shall have effect subject to the modifications that—

for the figures "500" and "2,500", the figures "700" and "3,500" shall respectively be substituted.'.

K. K. SUNDARAM,
Secy. to the Govt. of India.